

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: FRAGRANCE DIRECT PURCHASER ANTITRUST LITIGATION	CIVIL ACTION NO. 23-2174(WJM)(JSA)
IN RE: FRAGRANCE INDIRECT PURCHASER ANTITRUST LITIGATION	CIVIL ACTION NO. 23-03249(WJM)(JSA)
IN RE: FRAGRANCE END-USER PLAINTIFF ANTITRUST LITIGATION	CIVIL ACTION NO: 23-16127(WJM)(JSA)
	STIPULATION REGARDING VOLUNTARY DISMISSAL OF CLAIMS AGAINST GIVAUDAN FLAVORS CORPORATION AND GIVAUDAN ROURE (UNITED STATES) INC.

WHEREAS, on April 18, 2023, Our Own Candle Company, Inc. filed a civil complaint in the United States District Court for the District of New Jersey, *Our Own Candle Company, Inc. v. Givaudan, S.A. et al.*, Case No. 2:23-cv-02174-WJM-JSA, alleging that four groups of defendants (together, “Defendant Groups”) violated the federal antitrust laws in connection with sales of fragrance products.

WHEREAS, since April 18, 2023, numerous related actions have been filed in the District of New Jersey making the same or substantially similar antitrust and related allegations against Defendant Groups (the “Related Actions”)¹;

¹ The related actions currently pending include: *B&E Associates, Inc. v. Firmenich SA, et al.*, Case No. 23-cv-03050 (D.N.J. June 2, 2023); *Candle Shoppe of the Poconos, Inc. v. Givaudan S.A. et al.*, Case No. 23-cv-03049 (D.N.J. June 2, 2023); *Cospro Development Corp. v. International Flavors & Fragrances, Inc. et al.*, Case No. 23-cv-03368 (D.N.J. June 20, 2023); *Crimson Candle Supplies LLC v. DSM-Firmenich AG, et al.*, Case No. 23-cv-03875 (D.N.J. July 20, 2023); *Demeter F.L., Inc. v. International Flavors & Fragrances, Inc. et al.*, Case No. 23-cv-

WHEREAS, on August 4, 2023, Magistrate Judge Jessica S. Allen consolidated all actions seeking to represent a class of indirect purchasers of fragrance products under Fed. R. Civ. P. 42, with all papers filed on the docket captioned *In re: Fragrance Indirect Purchaser Antitrust Litigation*, Civil Action No. 23-3249 (WJM)(JSA) (“Producer Indirect Purchaser Class Action”);

WHEREAS, via orders entered on November 1, 2023 and November 22, 2023, Magistrate Judge Jessica S. Allen consolidated all actions seeking to represent a class of end-user purchasers of products containing fragrances under Fed. R. Civ. P. 42, with all papers filed on the docket captioned *In re: Fragrance End-User Plaintiff Antitrust Litigation*, Civil Action No. 23-16127 (WJM)(JSA) (“End-User Plaintiff Class Action”);

WHEREAS, on November 7, 2023, Magistrate Judge Jessica S. Allen consolidated all actions seeking to represent a class of direct purchasers of fragrance products under Fed. R. Civ. P. 42, with all papers filed on the docket captioned *In re: Fragrance Direct Purchaser Antitrust Litigation*, Civil Action No. 23-02174 (WJM)(JSA) (“Direct Purchaser Class Action”);

WHEREAS, on February 5, 2024, plaintiffs in each of the above-captioned cases (“Plaintiffs”) will file consolidated complaints;

WHEREAS, Defendant Groups have not yet answered any complaint in the above-captioned cases;

03265 (D.N.J. June 14, 2023); *Hanna’s Candle Company v. International Flavors & Fragrances, Inc. et al*, Case No. 23-cv-03266 (D.N.J. June 14, 2023); *Han v. International Flavors & Fragrances, Inc., et al.*, Case No. 23-cv-04147 (D.N.J. Aug. 2, 2023); *MSNY, Inc. v. DSM-Firmenich AG, et al*, No. 23-cv-20972 (D.N.J. Oct. 6, 2023) (collectively, the “Direct Purchaser Actions”); *Alexia Dahmes v. Firmenich SA, et al.*, No. 23-cv-03547 (D.N.J. June 30, 2023); *Chautauqua Soap Company v. Givaudan SA, et al.*, No. 23-cv-03249 (D.N.J. June 13, 2023) (collectively, the “Producer Indirect Purchaser Actions”); *Mirlinda Elmazi v. DSM-Firmenich AG, et al.*, No. 23-cv-16127 (D.N.J. Sept. 5, 2023); *Yvonne Peychal v. DSM-Firmenich AG, et al.*, No. 23-cv-16242 (D.N.J. Sept. 5, 2023); *Andrea Hogan et al v. DSM-Firmenich AG, et al.*, No. 23-cv-18950 (D.N.J. Sept. 8, 2023); *Masees Skendarian et al., v. DSM-Firmenich AG, et al.*, No. 23-cv-21251 (D.N.J. Oct. 18, 2023) (collectively, the “End-User Plaintiff Actions”).

NOW THEREFORE, IT IS STIPULATED AND AGREED:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs hereby voluntarily dismiss all claims (i) against Defendant Givaudan Roure (United States) Inc. with prejudice, as that entity ceased to exist in 2000; and (ii) against Defendant Givaudan Flavors Corporation without prejudice to reasserting such claims against Givaudan Flavors Corporation. Plaintiffs' dismissal of all claims against Defendants Givaudan Roure (United States) Inc. and Givaudan Flavors Corporation is without costs or attorneys' fees as to any party against any other.

2. The Parties agree that any statute of limitations, statute of repose, or other time related defense or claim with respect to Plaintiffs' claims against Givaudan Flavors Corporation shall be tolled from the date of this agreement until final adjudication (after all appeals) of the dismissal of the Action (the "Tolling Period"). Any of Plaintiffs' claims as to Givaudan Flavors Corporation asserted during the Tolling Period by Plaintiffs will be deemed to have been filed on April 18, 2023. The Parties hereto also agree that Givaudan Flavors Corporation will not assert a statute of limitations or statute of repose defense based on this dismissal of claims or the time period excluded by this tolling agreement. Givaudan Flavors Corporation expressly reserves and does not waive any and all other defenses, including but not limited to defenses with respect to personal jurisdiction and improper venue.

3. The Parties further agree that Givaudan Flavors Corp. will respond to all document requests as if it remained a defendant in the Actions, subject to the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for New Jersey. For the avoidance of doubt, Givaudan Flavors Corp. expressly reserves and does not waive all rights to assert any objections to any document request that it could assert if it were a party to the Action.

Dated: February 5, 2024

By: /s/ Michael D. Fitzgerald

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